

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JULY 28-29, 2016

Prepared on July 27, 2016

ITEM NUMBER: 14

**SUBJECT: Cease and Desist Order No. R3-2016-0015, David Robertson,
Centrally Grown, Inc., and Centrally Grown Holdings, LLC**

STAFF CONTACT: Ryan Lodge 805/549-3506, Ryan.Lodge@waterboards.ca.gov

KEY INFORMATION: Added Provision 10

The Prosecution Team recommended adding the following provision to the Proposed Cease and Desist Order:

“10. The Discharger shall comply with all of the prohibitions, provisions and requirements identified in paragraph three of the Findings, specifically that there shall be no sewage surfacing during the operation of the treatment system.”

The Prosecution Team and the Discharger have agreed to the Advisory Team’s proposed Cease and Desist Order with the with the Prosecution Team’s added provision. All parties agree with the proposed Cease and Desist Order and the item is on the consent calendar.

Attachment 1: email from Nickolaus Knight, Attorney III, State Water Resources Control Board, dated July 21, 2016

Attachment 1

From: Knight, Nickolaus@Waterboards
Sent: Thursday, July 21, 2016 12:01 PM
To: Jahr, Jessica@Waterboards; Robertson, John@Waterboards; Brower, Neill; Dave Robertson
Cc: Thomas, Michael@Waterboards; Tryon, Thea@Waterboards; Packard, Harvey@Waterboards; Adair, Chris@Waterboards; Rokke, Jon@Waterboards
Subject: In re Centrally Grown Proposed CDO

To the Advisory Team and Parties:

The Prosecution Team is in agreement with the proposed amendments to the CDO, and we are not requesting to contest the matter, if the parties are otherwise in agreement.

We would respectfully request an additional item in the Orders, to clarify the requirements for the Discharger. We would request to add the following order:

“10. The Discharger shall comply with all of the prohibitions, provisions and requirements identified in paragraph three of the Findings, specifically that there shall be no sewage surfacing during the operation of the treatment system.”

We believe the requested addition makes it clear that the circumstances that led to the threat to public health and were the genesis of this action are prohibited, and should not occur again in the future. It is an essential part of the injunctive relief, and the Parties have previously agreed that it is an appropriate remedy. It further clarifies the requirements from the preceding paragraph “9.” of the AT’s amended CDO. We believe that the amendments presented by the AT with regard to the operation of the system, combined with this addition, will complete the necessary relief for the circumstances.

To be clear, we are not objecting the amendments proposed by the AT, but are requesting the addition above for the sake of clarity in the future. We don’t believe a hearing is necessary, unless there is there is disagreement from the Discharger.

Respectfully,
Nick
Prosecution Team

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